

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JACOB BAXTER,

Plaintiff,

v.

DANNY R. CHEADLE and VILLAGE OF
PALESTINE, ILLINOIS,

Defendants.

Case No. 25-cv-390-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the Bill of Costs filed by the defendants, the prevailing parties in this case (Doc. 40). Plaintiff Jacob Baxter has objected to the Bill of Costs on the grounds that costs should not be assessed while his motions for reconsideration and for leave to file an amended complaint are pending (Doc. 42).

Ordinarily the Clerk of Court taxes costs in favor of the prevailing party on 14 days' notice. Fed. R. Civ. P. 54(d)(1). Objections may be filed within 14 days of the Clerk's notice. Local Rule 54.2(b). Costs allowed to be taxed are set forth in 28 U.S.C. § 1920. The Court presumes that a prevailing party is entitled to costs as a matter of course, *Krocka v. City of Chi.*, 203 F.3d 507, 518 (7th Cir. 2000), but has the discretion to deny or reduce costs where warranted, *Crawford Fitting Co. v. J.T. Gibbons, Inc.*, 482 U.S. 437, 441-42 (1987). If the Court reduces or denies costs, it must explain its decision. *Krocka*, 203 F.3d at 518.

The only item for which the defendants seek costs is the deposition transcripts of three individuals: Baxter, defendant Danny Cheadle, and former Palestine Police Chief Jeff Besing. *See* 28 U.S.C. § 1920(2). They claim the amount of \$1,179.10. Baxter does not object to this assessment of this cost but instead argues that costs should not be taxed while the motions for

reconsideration and for leave to amend are pending.

The Court has ruled on Baxter's motions for reconsideration and for leave to amend, so Baxter's sole objection has been rendered moot. He filed no other objection within 14 days of the Clerk's November 21, 2025, notice of taxation of costs (Doc. 41). Accordingly, the Court **DIRECTS** the Clerk of Court to tax costs in favor of the defendants and against the plaintiff in the amount requested by the defendants, \$1,179.10.

IT IS SO ORDERED.

DATED: January 26, 2026

s/ J. Phil Gilbert

**J. PHIL GILBERT
DISTRICT JUDGE**